

**CERRO**

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CERRO COPPER PRODUCTS CO.

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FAX SHEET

DATE: March 3, 2000 **# OF PAGES** 3

TO: Mike McAteer - U.S. EPA Region V

FROM: Joe Grana

SUBJECT: Site I Access

Mike,

Enclosed is a letter summarizing our conversations today and yesterday.

Joe

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618/337-6000

Sent Via Fax March 3, 2000

Mr. Michael McAteer
Remedial Project Manager
Office of Superfund
U.S. Environmental Protection Agency - Region V
HSRW-6J
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

**Re: Sauget Area 1 Sites
Site I Trenching**

Dear Mike:

This letter is written to summarize our discussions yesterday and this morning and to formalize Cerro's proposal concerning trenching in Site I by the U.S.EPA.

Cerro understands the Agency's desire to perform source and perimeter trenching and in fact could benefit from such an endeavor. However, our overriding concern is and has always been for the health and safety of our employees when such activity is undertaken.

Recognizing our desire to resolve our concerns about our workers' health and safety and the Agency's needs for further characterization of the landfill, yesterday morning, in a conference call between yourself, Rich Ricci and myself, Cerro offered to stop all plant operations on Sunday, March 12, 2000, between the hours of 8:00 a.m. and 4:00 p.m.. During this period Cerro would allow the Agency, Solutia and it's contractors to perform trenching activities. You stated to me that it was a good idea and would consult with Solutia on the matter. At approximately 4:15 p.m. you phoned to inform me that Solutia did not believe that the eight (8) hour period offered by Cerro would not be enough time to perform all the trenching even with three crews working. Additionally Solutia believed that having three trenches open at one time and potentially rushing to meet a short deadline could be dangerous to their operation. I stated that there is some room for expanding the day to a twelve (12) hour period, from 6:00 a.m. to 6:00 p.m. You indicated that was not likely enough time to complete the trenching based on your discussions with Solutia. Our conversation ended with the understanding that I would call you back after conferring with others.

At approximately 4:35 p.m., I phoned you back and made Cerro's last proposal to resolve the trenching issue. I offered to shut down Cerro's operations on both Saturday, March 11, 2000 and Sunday, March 12, 2000, between the hours of 8:00 a.m. and 4:00 p.m. to allow the Agency, Solutia and it's contractors the opportunity to perform the source and perimeter trenching. I stated the sixteen (16) hour time period being offered is for the actual trenching activity (when the holes are open) and that pre-trenching preparation/setup and post-trenching cleanup can be done while Cerro employees are working. I also indicated that we would ask that the digging not to begin until 8:15 a.m. to allow for our 3rd shift workers time to leave the facility and the trenches to be covered up by 3:45 p.m. to allow our 2nd shift workers time to enter the plant and prepare for their shift. I also asked that this work be performed under a Administrative Access



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Order issued to Cerro outlining our agreement. Additionally, as a back up to the weekend of March 11th and 12th and in the event inclement weather prevents trenching activity that weekend, Cerro offered the weekend of March 18th and 19th. However, the March 18th and 19th dates are not to be considered the primary trenching dates and are only to be used as a backup due to an emergency. You thanked me and said that you will convey our proposal to Solutia.

You phoned me this morning about 9:30 a.m. to inform me that you have spoken to Solutia about Cerro's proposal. You stated that Solutia is trying to put together crews to perform the trenching but they still have doubt about being able to do five trenches in two days. I asked that you remind Solutia that the sixteen (16) hour window is for when the trenches are open and that all the mobilization/preparation/setup work can be done Friday, March 10, 2000 and the decontamination/demobilization work later Sunday night or Monday, March 13, 2000. You said that you will remind them again. You also indicated that Solutia is having trouble getting a single crew. I inquired as to what has changed from last night when Solutia was talking about having 3 crews do the work. All you knew was that Solutia told you they are trying to get the crews but not having much success.

You also asked if some perimeter trench can be done outside of the weekend if they can show during the trenching over the weekend, no problems are encountered. I said that I would prefer no trenching occur outside the sixteen (16) hour core period but if a single trench is left to do late Sunday and no problems or releases are encountered during the initial trenching and we believe Solutia did its best to complete the work in a timely manner, I would consider allowing the last trench to be completed or holding up our Sunday night shift one or two hours to complete the final trench. That decision needs to be made by 1:00 p.m. Sunday, in order to call all employees affected on the 2nd shift.

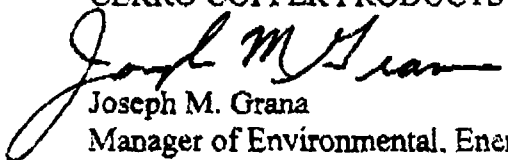
In order for Cerro to make arrangements with our employees, customers and suppliers, Cerro will need to know the Agency's decision in this matter as early as possible. Employee work schedules need to be modified, suppliers and customers need to be contacted to postpone delivery of supplies to Cerro and the delivery of product to customers during the trenching weekend. You indicated in our phone conversation today that you should know something either today or Monday.

The shutting down of our operation is a decision Cerro does not take lightly and will be a burden on our operations and employees, but we believe that working with the Agency to perform this activity in a safe manner, is in the best interest for all parties.

Do not hesitate to contact me if you should have any questions.

Very truly yours

CERRO COPPER PRODUCTS CO.



Joseph M. Grana
Manager of Environmental, Energy
and Health Services Group